

Application No. 09/822,693
Amendment dated July 22, 2003

Remarks

Amendments To The Abstract

At the request of the Examiner, Applicants are amending the abstract so that it is more concise. No change to the scope of the claims or application is made or intended.

Common Ownership Of The Present Application And U.S. Patent No. 6,096,448

Applicants submit that the subject matter claimed in U.S. Patent No. 6,096,448 and the subject matter of the pending claims of the present application were commonly owned at the time those subject matters were made. All the inventors of U.S. Patent No. 6,096,448 and of the present application had an obligation to assign the relevant inventions to Ballard Power Systems Inc. at the time those inventions were made. Accordingly, U.S. Patent No. 6,096,448 is disqualified as 102(e)/103(a) prior art, pursuant to 35 U.S.C. §103(c).

Common ownership at the time the inventions were made is also evidence by the assignment of the present application and U.S. Patent No. 6,096,448 to Ballard Power Systems Inc. The assignee of the present application is Ballard Power Systems Inc., a corporation organized and existing under the Canadian Business Corporations Act, and having a place of business at 9000

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Glenlyon Parkway, Burnaby, British Columbia, Canada V5J 5J9. The assignment of the present application to Ballard Power Systems Inc. was recorded in the U.S. Patent and Trademark Office on July 23, 2001, at Reel 011999, Frame 0441.

U.S. Patent No. 6,096,448, entitled "Method And Apparatus For Operating An Electrochemical Fuel Cell With Periodic Fuel Starvation At The Anode", which issued on August 1, 2000, is also assigned to Ballard Power Systems Inc. The assignment from all but one of the individual named inventors (David P. Wilkinson, Clarence Y.F. Chow, Erik P. Johannes, Joy A. Roberts, Jean St-Pierre, Cindy J. Longley, And John K.K. Chan) to Ballard Power Systems Inc. was recorded in the U.S. Patent and Trademark Office on July 2, 1998, at Reel 9353, Frame 0423. The assignment of the interest of the final named inventor, Derek E. Allan (deceased), through his administrator Patricia Joanne Allan, to Ballard Power Systems Inc. was recorded in the U.S. Patent and Trademark Office on April 15, 1998, at Reel 9127, Frame 0830.

Supplemental Information Disclosure Statement

Applicants are submitting a Supplemental Information Disclosure Statement, with the fee required by 37 C.F.R. §1.17(p), concurrently with the present amendment. Applicants

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request consideration of the Supplemental IDS and the references provided with it.

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The Examiner is invited to telephone the applicants' undersigned attorney at (312) 775-8202 if any unresolved matters remain. Please charge any additional fees, and credit any overpayment, incurred in connection with this submission to Deposit Account No. 13-0017.

Respectfully submitted,



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